

### **REMARKS**

The foregoing amendments and these remarks are in response to the Non-final Office Action dated December 10, 2009. Applicant hereby requests a three-month extension of time and authorization is given to charge the appropriate fees, as well as credit any over-payments to Deposit Account No. 50-0951.

At the time of the Office Action, claims 1-11 were pending in the Application. In the Office Action, claims 1-11 were rejected under 35 U.S.C. §103(a). Claims 1-11 were also provisionally rejected on the ground of nonstatutory obviousness-type double patenting. The rejections are discussed in more detail below.

#### **I. Claim Rejections Based on Art**

Claims 1-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,353,730 to Kinno ("*Kinno*"), in view of U.S. Patent No. 4,532,155 to Golant et al. ("*Golant*"). Claims 4-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,309,619 to Futer ("*Futer*") in view of U.S. Patent No. 4,506,453 to Shirley, Jr. et al. ("*Shirley*"), in view of *Golant*. Applicant respectfully traverses the rejections.

Prior to addressing the cited references, a brief review of claims is appropriate.

##### **A. Review of Independent Claim**

Independent claim 1 is amended herein to recite the process of "reusing at least part of the fluidification air coming out from said cooling fluid bed of the finished granules by feeding it into the granulation fluid bed, wherein said at least part of the fluidification air coming out from said cooling fluid bed of the finished granules and fed into the granulation fluid bed is used as fluidification air of said granulation fluid bed". Support for this feature may be found, for example, in paragraph [0017] of the specification.

Claim 4 has been amended to depend on claim 1 and further recite "wherein all the fluidification air coming out from said cooling fluid bed is fed into the granulation fluid bed so that a single flow of fluidification air is used to continuously form and support, in order, said cooling and granulation fluid beds substantially arranged in series with respect to said flow of

fluidification air."

Claim 6 is has been amended to recite "a feeding opening and a distribution chamber feeding and distributing fluidification air in said space below said further base plate, to form and maintain said cooling bed and said granulation bed, which are arranged in series with respect to said flow." Support for this feature may be found, for example, at paragraph [0032] and figures 1-2 of the specification.

No new matter has been added.

**B. Rejections to the Claims Based Upon Art**

Applicant respectfully submits that the Office Action misinterprets *Kinno*. Present claim 1 requires that at least a portion of the fluidification air coming out from the cooling fluid bed is reused into the granulation fluid bed. Although Applicant respectfully disagrees with the rejections, Applicant has amended claim 1 in order to expedite prosecution of the Application to allowance.

As already discussed in the Applicant's arguments filed September 30, 2009, *Kinno* relates to a totally different process than that of the present Application.

The step of feeding the granule seeds and the growth substance in liquid state is not at all the only distinguishing feature of the claimed process as asserted by the Office Action. Much more, the invention differs from *Kinno* for the reuse of at least a part of the fluidification air coming out from the cooling fluid bed as preheated fluidification air in the granulation fluid bed.

Contrary to arguments made in the Office Action, the latter process step is neither disclosed, nor suggested by *Kinno* and it is also totally absent from *Golant*.

In this respect, Applicant respectfully requests that the Examiner kindly reconsider Applicant's previous arguments that explained that in *Kinno*, the fluidification air is fed only and solely to the cooling fluid beds. Such beds are indicated in *Kinno* with reference sign "B" in Figure 3A and are also identified by the presence of the perforated plate 8 (typical for a fluid bed) as shown in Figures 3-7. The fluidification air fed to the cooling fluid beds through opening 6 exits the latter through opening 26 and might be sent, by means of pipeline 17 to a separator 27 (see for instance *Kinno*, column 4, lines 1-9). The cooling fluid beds are also provided with side

openings 28, 29 for the inlet and outlet of the granules, respectively (see for instance, *Kinno*, column 3, line 66 to column 4, line 1).

There is no single part of *Kinno* that discloses or suggests feeding feed at least a part of the fluidification air coming out from the cooling fluid bed of the finished granules into the granulation (fluid) bed. In particular, column 6 line 41 to column 7 line 22 of *Kinno*, mentioned by the Office Action at page 2, is not concerned with such a feature. This part of *Kinno* is merely related to the treatment of the granules leaving the last granulation stage, wherein additional cooling might be provided or not. Even in the case of providing an additional cooler, no mention is made in *Kinno* of the claimed “reusing” step.

Additional arguments with respect to the non-relevance of *Kinno* may also be found in Applicant's previous response.

The subject-matter of claim 1 should thus be considered inventive over *Kinno* in view of *Golant*. Therefore, Applicant respectfully submits that the rejection to independent claim 1 has been overcome. Dependent claims 2-12 depend upon claim 1 and should be allowable for at least the same reasons stated above.

Further, with respect to dependent claim 6, Applicant respectfully submits the Office Action included a minor typographical error and intended to cite U.S. Patent No. 3,304,619 to *Futer*, instead of U.S. Patent No. 3,309,619. As already indicated in the previous response, *Futer* is silent about an apparatus for carrying out a granulation process and in particular about an apparatus comprising a granulation space intended to support a granulation fluid bed (*i.e.*, a space suitable to make seeds growing up to granules), as recited in present claim 6.

*Futer* is merely related to a cooling apparatus having a single bed called table 10, having an inclined area 11 and a horizontal area 12 (Figure 1) or only a horizontal area 12 (Figure 4). *Futer* does not disclose a self-supporting structure comprising within a same space two horizontal beds (fluid beds can only be horizontal), arranged in series, the one positioned over the other. Also, the feature of a downcomer extending vertically in the space containing the two superimposed fluid beds is absent from *Futer*. Therefore, Applicant respectfully submits that the cited portions of *Futer* at column 4, lines 35-52 are arguably irrelevant with respect to the subject-matter of claim 6.

The Office Action further cites *Shirley*, column 5, lines 16-41 and the Figures as relevant disclosure to show a series fluid bed arrangement as for the present invention. However, the cited passages are related to a rotary drum that has nothing to do with a fluid bed. The series arrangement is also missing. Therefore, Applicant respectfully submits that *Shirley*, like *Futer*, is of little or no relevance for the present Application.

Further, even if one were to combine the references cited in the manner the Office Action suggests, one still does not achieve the claimed apparatus shown in Figures 1-2 of the Application. It is sufficient to look at the Figures of *Futer* and *Shirley* to realize that the Office Action is inappropriately combining totally different structures, which moreover have nothing in common with the claimed apparatus. The further combination of *Golant et al.* does not cure the deficiencies. Therefore, Applicant respectfully submits that one of ordinary skill in the art would have not combined and then modified the references cited to achieve dependent claim 6.

## **II. Double Patenting Rejection**

Claims 1-11 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application No. 10/599,751.

The double patenting rejection should be considered moot in view of the claim amendments and also in view of the arguments set forth above and in Applicant's previous response.

Withdrawal of this rejection is respectfully requested.

**III. Conclusion**

For the foregoing reasons, all claims are believed to relate to patentable subject matter, and to be in condition for allowance. Prompt issuance of a Notice of Allowance is thus respectfully requested.

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the Application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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